

IN THE CIRCUIT COURT OF PEARL RIVER COUNTY, MISSISSIPPI

ASHLEY M. WOODRUFF

FILED
NANCE FITZPATRICK STOKES
CIRCUIT CLERK

PLAINTIFF

VS.

CAUSE NO.: 55CI1:21-CV-73-PH

CMH HOMES, INC.

MAY 26 2021
BY: W. Babin
DEPUTY CLERK

DEFENDANT

COMPLAINT

NOW INTO COURT, through undersigned counsel, come the Plaintiff,
ASHLEY M. WOODRUFF who files this Complaint against the Defendant, CMH
HOMES, INC., and show this honorable court that:

I.

The Plaintiff, Ashley M. Woodruff, is a person of majority and domiciled in
the County of Pearl River, State of Mississippi.

II.

Defendant, CMH Homes, Inc., is a foreign corporation licensed to, and doing
business in Mississippi, who may be served pursuant to the Mississippi Rules of
Civil Procedure via its registered agent for service of process, CT Corporation, 945
Lakeland East Dr., Ste. 101, Flowood, MS 3232.

III.

This cause of action occurred or accrued in the Pearl River County,
Mississippi; and pursuant to the provisions Miss. Code Ann. §11-11-3, as amended,
venue is proper in this Court.

IV.

That on or about April 23, 2019, Plaintiff, along with her husband signed a
"sales agreement" (Attached as "Exhibit 1" to Complaint) for the purchase and
possession of a mobile home from the Defendant, CMH Homes, Inc.

EXHIBIT

A

V.

That pursuant to said "sales agreement," the mobile home was to be "deliver(ed), set-up, leveled and anchored, install(ed) A/C, steps, and trim out."

VI.

That on the day of delivery, the home was set up, but the front steps were not properly installed, instead resulting in a gap of over 2 feet between the top of the steps and the bottom threshold of the door.

VII.

That rear steps were not attached to the home at all.

VIII.

That a short time later, after the home was delivered to her, Plaintiff was attempting to enter the home and tripped and fell on the step up from the step into the home.

IX.

That CMH Homes, Inc. caused the negligent installation of the steps and/or had notice of the negligent installation of the steps.

X.

The aforesaid incident sued on herein was the fault of, and proximately caused by the negligence of Defendant, CMH Homes, Inc., in the following, non-exclusive respects:

- a. In negligently installing the front steps, thus creating a dangerous condition;
- b. In failing to remedy the dangerous condition in a timely manner;
- c. In violating industry standards and building codes;
- d. In violating the Revised Statutes of the State of Mississippi, all of

which are pled as if copied herein extenso; and

- e. All other acts of negligence which were the cause of the collision sued upon and will be shown at the trial of this matter.

XI.

That as a result of the aforesaid fall, Plaintiff, Ashley M. Woodruff has sustained bodily injuries, including but not limited to her right knee.

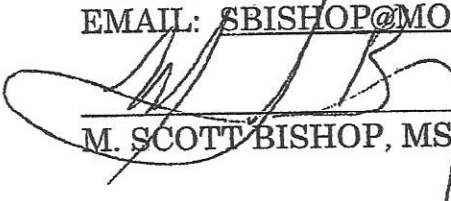
XII.

As a result thereto, Plaintiff, Ashley M. Woodruff has suffered the following damages: bills for medical treatment, past and future; loss of wages and/or earning capacity, past and future; physical pain and suffering including loss of enjoyment of life, past and future; and mental and emotional distress, past and future.

WHEREFORE, your Plaintiff, Ashley M. Woodruff, prays that CMH Homes, Inc. be served with a copy of this Complaint, and after being duly cited to appear and answer hereto, and after the expiration of all legal delays and due proceedings are had, that there be judgment rendered herein in favor of Plaintiff, Ashley M. Woodruff and against Defendant, CMH Homes, Inc., as alleged, together with legal interest, and for all costs of these proceedings including expert witness fees to be taxed as costs of court, and for all legal and equitable relief this honorable court shall deem appropriate.

RESPECTFULLY SUBMITTED, this the 24 day of May, 2021.

MORRIS BART, LTD
1712 15TH STREET, SUITE 300
GULFPORT, MISSISSIPPI 39501
TEL: (228) 276-0307
FAX: (866) 354-9707
EMAIL: SBISHOP@MORRISBART.COM


M. SCOTT BISHOP, MS BAR NO. 102699

1331545

SALES AGREEMENT

DATE: 4/23/2019

BUYER(S): Ashley Moore Woodruff
Winfield Gregory Woodruff

ADDRESS: 612 E MAGEE ST COVINGTON LA 70433

DELIVERY ADDRESS: 36 WOLF RIDGE LANE POPLARVILLE MS 39470

TELEPHONE: SALES PERSON FULL NAME: Gayla Harrington

BASE PRICE:

Make: CMH

Model: 37VLV32664AH19

Stock#: RSO

State Tax:

Serial No.: CS2024486TNAB

New ☒ Used ☐

Local Tax:

TRADE: Make: N/A Model: N/A

Year: N/A Length: N/A Width: N/A Title #:

1. CASH PRICE

Serial No.:

Amount owed will be paid by: ☐ Buyer ☐ Seller

Owed to:

LAND PURCHASE

TITLE FEES

FILING FEES

Federal Warranty Service Corporation

OPTIONS:

SELLER RESPONSIBILITIES: delivery, set-up, level and anchor, install AC, steps and trim out

2. TOTAL PACKAGE PRICE

BUYER RESPONSIBILITIES: Provide clear access to the house site, all zoning, permits, fees and deposits, power pole and meter loop, water and sewer sources dirt pad, skirting and standard connections for electric, sewer, and water

Trade Allowance

N/A

Less Amount Owed

N/A

Trade Equity

N/A

Cash Down Payment

\$.00

May not meet local codes and standards. New homes meet Federal Manufactured Home Standards.

3. LESS ALL CREDITS

\$.00

Buyer(s) agree: (1) that the terms and conditions on page two are part of this agreement; (2) to purchase the above home including the options; (3) that they acknowledge receiving a completed copy of this agreement; (4) that all promises and representations made are listed on this agreement; and (5) that there are no other agreements, written or verbal, unless evidenced in writing and signed by the parties.

4. REMAINING BALANCE

SELLER:

DAVID HARRINGTON

4/23/2019

CLAYTON HOMES COVINGTON, LA

BUYER:

Ashley Moore Woodruff

4/23/2019

Signature of: Ashley Moore Woodruff

Winfield Gregory Woodruff
4/23/2019

Signature of: Winfield Gregory Woodruff

Signature of:

Signature of:

